

From: Sheldrake, Beth
Sent: Monday, March 25, 2013 1:26 PM
To: Rochlin, Kevin
Subject: FW: Scanned image from R10SEA10ESHARP
Attachments: SHARPSCANNER_20130325_111715.pdf

Categories: Provided for LEPIC 1 to 11-19 2013

For the site file....

Beth Sheldrake | Unit Manager
U.S. Environmental Protection Agency | Region 10
Office of Environmental Cleanup
Superfund Site Cleanup Unit #1
p: 206.553.0220 | c: 206.890-1827 | sheldrake.beth@epa.gov

From: Magorrian, Matthew
Sent: Monday, March 25, 2013 11:41 AM
To: Cohen, Lori; Sheldrake, Beth
Cc: Schweiss, Jon
Subject: FW: Scanned image from R10SEA10ESHARP

FYI

Matt

From: SHARPSCANNER@mintra02.rtp.epa.gov [<mailto:SHARPSCANNER@mintra02.rtp.epa.gov>]
Sent: Monday, March 25, 2013 11:17 AM
To: Magorrian, Matthew
Subject: Scanned image from R10SEA10ESHARP



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

MAR 25 2013

OFFICE OF THE
REGIONAL
ADMINISTRATOR

Mr. Robert T. Forbes, Director
EHS Remediation/Governance
FMC Corporation
1735 Market Street
Philadelphia, PA 19103

Dear Mr. Forbes:

Thank you for the two letters you sent regarding our plans to conduct an Independent Review of excavation and treatment technologies related to elemental phosphorous contamination at the FMC Operable Unit of the Eastern Michaud Flats Superfund site. Those letters reflect a number of observations, questions and recommendations that we have taken under careful consideration. We noted your expressed desire for a point-by-point written response. We have elected instead to focus our response on selected major points, and propose that we discuss any remaining concerns you may have in subsequent conversations.

Independent Review Entity

Our goal is to retain an organization capable of assembling excellent scientific and technological expertise to conduct the Independent Review. We have ready access (via a standing interagency agreement with the Department of Energy) to such an organization: Argonne National Laboratory (ANL). We believe ANL is an excellent choice for rendering the truly objective and thorough review we seek. As with any project conducted under contract or Interagency Agreement, EPA will discuss potential or perceived conflicts of interest with DOE and ANL and, if necessary, ensure that appropriate mitigation measures are implemented. The proposed work is being performed and funded under CERCLA. This work will be conducted in a manner that is not inconsistent with the NCP. While we have a signed general agreement with DOE to perform the Independent Review, discussions with ANL on specifically defining the work to be undertaken in Phase 1 of the review have not yet commenced. The level of funding we eventually devote to Phase 1 of the review is anticipated to be commensurate with the resource needs identified in these discussions.

Draft Scope of Work

The draft scope of work for Phase 1 referenced in your letter has not been revised since its development and transmission to the Tribes last summer. The draft scope was intended to nominally frame subsequent, more detailed discussions - hence, it was and is still a preliminary document. Further work on refining and finalizing the scope of work for Phase 1 will commence once the Tribes have secured technical expertise to assist them in this effort. Your many observations, questions and recommendations related to the draft scope of work are duly noted. EPA understands its responsibilities under CERCLA and the NCP. Toward that end, the review entity will neither perform any comparative analyses of potential excavation/treatment technologies (ETT), nor undertake any formal evaluation of ETT relative to the nine criteria prescribed in the NCP, nor render any recommendations on the relative merits of any candidate ETTs in its report.

Documentation

We are committed to transparency in our dealings on this and other matters related to our management of the Superfund program. Toward that end, we will share with FMC - for informational purposes - the final scope of work with which we commission the Independent Review. We will also provide FMC and others the final report arising from Phase 1 of the Independent Review. FMC and others are welcome to comment on that final report. The report and any comments that are submitted will be entered in the Administrative Record for the final remedy for the site.

Thank you for both your interest in this important endeavor and your thoughtful input. Please do not hesitate to contact me (at 206.553.1690 or 206.221.4896) should you wish to discuss this matter further.

Sincerely,



Jon Schweiss
Senior Advisor

cc: Mathy Stanislaus, Assistant Administrator
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency

Jim Woolford, Program Director
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency

Dennis J. McLerran, Regional Administrator
Region 10
U.S. Environmental Protection Agency

bcc: Beth Sheldrake, Program Manager, Region 10
Lori Cohen, Associate Director, Region 10